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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/287,530	04/07/99	MASAKI	K 325772009100

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WM31/0828

EXAMINER

CHOOBIN, M

ART UNIT	PAPER NUMBER
2621	4

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
109/287,530

Applicant(s)

Masaki

Examiner  
Choobin Mahmood

Art Unit  
2621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20)  Other: \_\_\_\_\_

Art Unit: 2621

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-5, these claims are vague and indefinite because the claims recite an "apparatus" in preamble, yet no apparatus is recited in the body of the claim ("placing bits" and "pixels" are not "apparatus").

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. "Image data" per se are not statutory subject matter.

Claims 16-20 are rejected because said claims are directed to non-statutory subject matter ("Image data" per se are not statutory subject matter).

Art Unit: 2621

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al (U.S. Patent 5,583,941)

As to claims 1,6,11 and 16, Yoshida et al disclose an image processing apparatus including:

a function to place bits for describing information different from information of image data obtained by image processing on original image data (column 7, lines 23-31 and Fig.6), respectively in specific bit positions of pixel data at predetermined positions of said processed image (Fig.6 LSB corresponds to specific bit position).

As to claims 2,7,12 and 17, Yoshida et al disclose pixels are dispersed at a plurality of predetermined positions on said image (column 7, lines 53-57 where block data are embedded dispersed in a hard copy).

As to claims 3,8,13 and 18, Yoshida et al disclose said information different from information of said processed image data is information describing the contents of image processing performed (column 10, lines 15-22 where mark registration section 408 marks such as

Art Unit: 2621

“secret” corresponds to information describing the contents of image) on said original image data to obtain said processed image data.

As to claims 4,9,14 and 19, Yoshida et al disclose information different from information of said processed image data is information describing time when said image processing is performed on original image data to obtain said processed image data (column 2, lines 27-36 where registration data determines the repetition time corresponding to “when image processing is performed”).

As to claims 5,10,15 and 20, Yoshida et al disclose information different from information for describing said processed image data is information describing time when said bits are placed (column 2, lines 27-36 where registration data determines the repetition time corresponding to “when image processing is performed”).

## **Other prior art cited**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5005011 to Perlman et al is cited for vertical filtering apparatus for raster scanned display.

U.S. Patent 5287360 to Regent is cited for device for inserting information bits into a specific frame structure.

## **CONTACT INFORMATION**

Art Unit: 2621

Any inquiry concerning this communication from the examiner should be directed to Mahmood Choobin whose telephone number is (703) 306-5787. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached at (703) 305-4706.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231 or faxed to: (703) 872-9314, (for formal communications intended for entry), (703) 308-5397 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

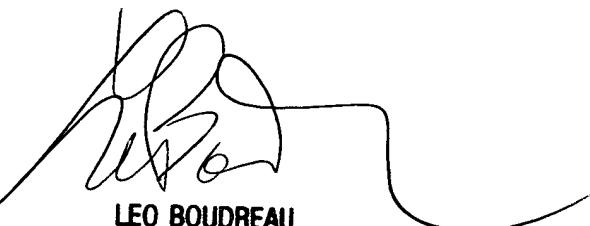
Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703)305-3900.

Mahmood Barry Choobin

Patent Examiner

Group Art 2621

August 20, 2001



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